



September 27, 2013

via ECFS

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

**Re: Connect America Fund, Phase I Round 2 ("CAF");
WC Docket No. 10-90;
Bristol Virginia Utilities Board ("BVU");
Challenge to United Telephone Co-Southeast, Inc. d/b/a CenturyLink ("CenturyLink")
Elections for 2 Census Blocks in Washington County, Virginia**

Dear Mrs. Dortch:

BVU submits this letter to challenge CenturyLink's election to receive CAF funding in census blocks containing our Broadband Technology Opportunities Program ("BTOP") project. Consistent with the Commission's goals,¹ CAF support should not be available to fund broadband deployment in areas already supported with public funding.²

Background.

CenturyLink's CAF Election. On August 20, 2013, CenturyLink submitted a letter to the FCC with a list of census blocks where it proposes to deploy broadband-capable infrastructure with CAF support.³ Two of those census blocks—identified on Exhibit A—contain a project for which BVU received funding under the BTOP.

¹ See *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform -- Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 ¶ 20 (2011) ("The CAF will help make broadband available to homes, businesses, and community anchor institutions that do not, or would not otherwise, have broadband ... [and] will rely on incentive-based, market-driven policies, including competitive bidding, to distribute universal service funds as efficiently and effectively as possible.").

² *In the Matter of Connect America Fund*, Report and Order, 28 FCC Rcd 7766 ¶ 20 (rel. May 22, 2013) ("CAF Challenge Order") ("It would be an inefficient use of public funds to provide government support to two different projects aimed at serving the same location.").

³ Letter re: Election of 2013 CAF Support, WC Docket No. 10-90, from Melissa E. Newman, Senior Vice President, Federal Policy and Regulatory Affairs, CenturyLink, to Marlene Dortch, Secretary, Federal Communications Commission (August 20, 2013) (available via Electronic Comment Filing System).

BVU's BTOP Award. BVU received funding under the BTOP to extend its middle-mile fiber network throughout southwest Virginia.⁴ With efficient use of the funds, BVU's middle-mile project came in under budget. The National Telecommunications and Information Administration then granted BVU's request to begin building last-mile infrastructure in the funded areas using the remaining BTOP funds. This year, using those funds, BVU completed the first phase of building out last-mile facilities—installation of network access points—in the census blocks listed on Exhibit A.

Challenge. Accordingly, we submit this challenge to show that the census blocks on Exhibit A contain a project that received funding under BTOP and the project will eventually provide fixed Internet access with speeds of 3 Mbps/768 kbps or higher.⁵

Documented Evidence in Support of Challenge. In support of our challenge, we submit the following documented evidence⁶:

- **Exhibit A:** A list of the census blocks for which we are challenging CenturyLink's election.
- **Exhibit B:** An officer's certification, signed under penalty of perjury, that the census blocks on Exhibit A contain a project that received funding under BTOP and the project will eventually provide fixed Internet access with speeds of 3 Mbps/768 kbps or higher.⁷

Conclusion. In the CAF Challenge Order, the Commission recognized that it would be an inefficient use of public funds to provide support to two projects in the same area and directed the Bureau to take steps to ensure that Phase I support is not provided to areas receiving BTOP support.⁸ BVU received BTOP funds for the census blocks listed on Exhibit A and the project will eventually provide fixed Internet access with speeds of 3 Mbps/768 kbps or higher. Accordingly, the Bureau should determine that CenturyLink cannot meet its build-out obligations under CAF Phase I by deploying to these blocks.

Sincerely,



Stacey Pomrenke
Executive Vice President and CFO

Enclosure

⁴ Broadband USA, Grants Awarded, available at <http://www2.ntia.doc.gov/virginia> (last visited September 26, 2013) (identifying BVU as a BTOP awardee).

⁵ CAF Challenge Order ¶ 20 (stating that the Commission will limit support for any census block containing a BTOP-funded project if the project will eventually provide speeds of 3 Mbps/768 kbps).

⁶ CAF Challenge Order ¶ 33 (requiring all filings in the challenge process to be supported by documented evidence).

⁷ *Id.* (citing an officer's certification as evidence the Bureau may consider in a challenge).

⁸ *Id.* ¶ 20.

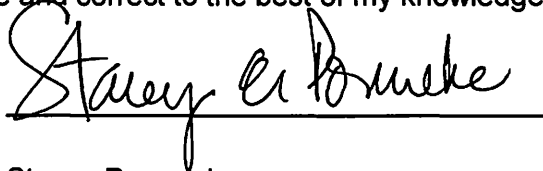
Exhibit A
Census Blocks Served by BVU

The census blocks below contain a project for which BVU received funding under BTOP and the project will eventually provide fixed Internet access with speeds of 3 Mbps/768 kbps or higher.

Census Block
511910108001031
511910108001043

Exhibit B
Officer's Certification

1. My name is Stacey Pomrenke and I am Executive Vice President and Chief Financial Officer of Bristol Virginia Utilities Board ("BVU"). I certify as follows.
2. The census blocks listed on Exhibit A contain a project for which BVU received funding under the Broadband Technology Opportunities Program and the project will eventually provide fixed Internet access with speeds of 3 Mbps/768 kbps or higher.
3. I certify under penalty of perjury that the facts contained in this Officer's Certification and in the challenge letter are true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, reading "Stacey A. Pomrenke", written over a horizontal line.

Stacey Pomrenke
Executive Vice President and Chief Financial Officer

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